

Practitioner's Docket No. K-1977**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Gates, Jr. et al.

Application No: 10 / 799,827      Group No.: 1774  
 Filed: March 12, 2004      Examiner: Turner, Archene  
 For: ALUMINA COATING, COATED PRODUCT AND METHOD OF MAKING  
 THE SAME

**Mail Stop Amendment**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT  
 BEFORE MAILING DATE OF EITHER A FINAL ACTION  
 OR NOTICE OF ALLOWANCE (37 C.F.R. § 1.97(c))**

**NOTE:** 37 C.F.R. 1.97: "(c) An information disclosure statement shall be considered by the Office if filed after the period specified in paragraph (b) of this section, provided that the information disclosure statement is filed before the mailing date of any of a final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application, and it is accompanied by one of:

- (1) The statement specified in paragraph (e) of this section; or
- (2) The fee set forth in § 1.17(p)."

**NOTE:** "If a final action or notice of allowance is mailed in an application and later withdrawn, the application will be considered as not having had a final action or notice of allowance mailed for purposes of considering an information disclosure statement." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***  
*(When using Express Mail, the Express Mail label number is mandatory;  
 Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

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37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10 \*

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**Signature**

Date: June 6, 2006

Rhonda L. Sanders  
*(type or print name of person certifying)*

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

**NOTE:** 37 C.F.R. § 1.704(d): "A paper containing only an information disclosure statement in compliance with §§ 1.97 and 1.98 will not be considered a failure to engage in reasonable efforts to conclude prosecution (processing or examination) of the application under paragraphs (c)(6), (c)(8), (c)(9), or (c)(10) of this section if it is accompanied by a statement that each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the information disclosure statement. This thirty-day period is not extendable."

**NOTE:** "If information submitted during the period set forth in 37 C.F.R. 1.97(c) with a certification is used in a new ground of rejection on unamended claims, the next Office action will not be made final since in this situation it is clear that applicant has submitted the information to the office promptly after it has become known and the information is being submitted prior to a final determination on patentability by the Office. However, the information submitted with a certification can be used in a new ground of rejection and the next Office action made final, if the new ground of rejection was necessitated by amendment of the application by applicant. Where the information is submitted during this period with a fee, the examiner may use the information submitted, e.g., printed publication or evidence of public use, and make the next Office action final whether or not the claims have been amended, provided that no other new ground of rejection which was not necessitated by amendment to the claims is introduced by the examiner. See MPEP 706.07(a). If a new ground of rejection is introduced that is neither necessitated by an amendment to the claims nor based on the information submitted with the fee set forth in 37 C.F.R. § 1.17(p), the Office action shall not be made final." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

**WARNING:** "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 C.F.R. § 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63). But see § 103(b) and (c), limited suspension of action in a continued prosecution application (CPA) filed under § 1.53(d) and in a request for continued examination (RCE) under § 1.114.

**WARNING:** No extension of time can be had under 37 C.F.R. 1.136 (a) or (b) for filing an IDS. 37 C.F.R. 1.97(f).

### **TIME OF TRANSMITTAL OF ACCOMPANYING INFORMATION DISCLOSURE STATEMENT**

1. The information disclosure statement transmitted herewith is being filed **after** three months of the filing date of this national application or the date of entry of the national stage as set forth in § 1.491 in an international application or after the mailing date of the first Office action on the merits, whichever event occurred last but **before** the mailing date of either:
  - (1) a final action under § 1.113 or
  - (2) a notice of allowance under § 1.311,whichever occurs first.

### **STATEMENT OR FEE**

2. Accompanying this transmittal is

(check either A or B below)

- A.  a statement as specified in 37 C.F.R. § 1.97(e).

**OR**

- B.  the fee set forth in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under § 1.97(c). (\$180.00).

(Transmittal of Information Disclosure Statement before Mailing Date of Either a Final Action Or Notice of Allowance [6-4]—page 2 of 3)

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**METHOD OF PAYMENT OF FEE**

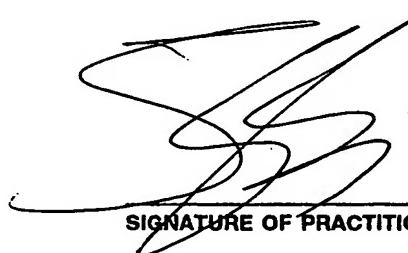
3.

- Attached is a  check  money order in the amount of \$ 180.00  
 Authorization is hereby made to charge the amount of \$ \_\_\_\_\_  
     to Deposit Account No. \_\_\_\_\_  
     to Credit card as shown on the attached credit card information authorization  
    form PTO-2038.

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- Charge any additional fees required by this paper or credit any overpayment in the  
manner authorized above to Deposit Account No. 02-2267.

A duplicate of this paper is attached.

  
**SIGNATURE OF PRACTITIONER**

Reg. No. 28,688

Stephen T. Belsheim

(type or print name of practitioner)

Tel. No.: ( 615 662-0100

179 Belle Forrest Cr. Ste. 102

P.O. Address

Customer No.: 1400

Nashville, TN 37221

(Transmittal of Information Disclosure Statement before Mailing Date of Either a Final Action Or Notice of  
Allowance [6-4]—page 3 of 3)



K-1977  
Patent

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with first class postage affixed, in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on June 6, 2006

Signature

Rhonda L. Sanders

Type or Print Name of Person Certifying

Date: June 6, 2006

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the application of: Gates, Jr. et al.	)	
Serial No. 10/799,827	)	Group Art Unit: 1774
Filed: March 12, 2004	)	
For: ALUMINA COATING, COATED	)	Examiner: Turner, Archene
PRODUCT AND METHOD OF MAKING	)	
THE SAME	)	

MAIL STOP AMENDMENT  
COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Sir:

In accordance with the provisions of 37 C.F.R. 1.56 and 37 C.F.R. 1.97-1.99, it is requested that the references listed on the attached Form PTO/SB/08B be made of record in the above identified application. Enclosed herewith are copies of each document listed on this PTO form. If some of the documents have markings thereon, applicants do not intend to attach any significance to such markings.

If any fees are necessary, the Commissioner is hereby authorized to charge fees necessary to enter this paper and obtain consideration of the documents identified on the attached listing to Deposit Account No. 02-2267.

06/14/2006 MAHMED1 00000066 10799827

01 FC:1806

180.00 OP

179 Belle Forrest Cir  
Suite 102  
Nashville, Tennessee 37221

Respectfully submitted,

Stephen T. Belsheim  
Attorney for Applicant(s)  
Registration No. 28,688  
Telephone: 615-662-0100  
Facsimile: 615-662-0352

JUN 13 2006

PTO/SB/08B (07-05)

Approved for use through 07/31/2006. OMB 0651-0031  
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Substitute for form 1449/PTO

Complete if Known

		Application Number	10/799,827		
		Filing Date	March 12, 2004		
		First Named Inventor	Gates, Jr. et al.		
		Art Unit	1774		
		Examiner Name	Turner, Archene		
Sheet	1	of	1	Attorney Docket Number	K-1977

## NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		International Preliminary Report on Patentability for PTC/US2005/008012 mailed 05/12/2006 (5 pages)	

Examiner Signature	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.